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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,238	11/06/2003	Bradley J. Howard	97-0008.02	7948
7590 03/31/2006			EXAMINER	
Richard D. Egan O'KEEFE, EGAN & PETERMAN Building C, Suite 200 1101 Capital of Texas Highway South Austin, TX 78746			LEE, SIN J	
			ART UNIT	PAPER NUMBER
			1752	
			DATE MAILED: 03/31/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	W-
10/702,238	HOWARD, BRADLEY	J.
Examiner	Art Unit	
Sin J. Lee	1752	

The MAILING DATE of this communication appears on the cover sheet with the	correspondence address
THE REPLY FILED <u>09 March 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR	ALLOWANCE.
1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice o this application, applicant must timely file one of the following replies: (1) an amendment, a places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply meaning th	ffidavit, or other evidence, which compliance with 37 CFR 41.31; or (3)
time periods:	
a) The period for reply expires <u>3</u> months from the mailing date of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing	ng date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1. have been filed is the date for purposes of determining the period of extension and the corresponding amoun under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply origet forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing day reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL	it of the fee. The appropriate extension fee ginally set in the final Office action; or (2) as
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), a Notice of Appeal has been filed, any reply must be filed within the time period set forth in	to avoid dismissal of the appeal. Since
AMENDMENTS	
3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brie (a)  They raise new issues that would require further consideration and/or search (see NO (b) They raise the issue of new matter (see NOTE below);	
(c) They are not deemed to place the application in better form for appeal by materially r	educing or simplifying the issues for
appeal; and/or	oddonig of omipmying the looded for
(d) They present additional claims without canceling a corresponding number of finally re	ejected claims.
NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).	
4. $\ oxedsymbol{oxed}$ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-C	compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s):	
<ol> <li>Newly proposed or amended claim(s) would be allowable if submitted in a separate _ non-allowable claim(s).</li> </ol>	
7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  whow the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:	vill be entered and an explanation of
Claim(s) allowed:	
Claim(s) objected to:	
Claim(s) rejected: <u>55-61, 76-87</u> . Claim(s) withdrawn from consideration:	
AFFIDAVIT OR OTHER EVIDENCE	
B.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Necause applicant failed to provide a showing of good and sufficient reasons why the affidawas not earlier presented. See 37 CFR 1.116(e).	
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appearance and sufficient reasons why it is necessary and was not earlier presented.	eal and/or appellant fails to provide a
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after on the claims after one constitution.	entry is below or attached.
11.  The request for reconsideration has been considered but does NOT place the application	in condition for allowance because:
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper	No(s)
13.	dû t. Lee
	Sin J. Lee
	Primary Examiner Art Unit: 1752

Continuation of 3. NOTE: Newly added limitations in claims 55, 59, 76, and 84 were not presented before and raise new issues that would require further search and consideration.